

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Third Regular Session

---

WEDNESDAY, October 22, 1997

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The Chief Clerk makes the following entries under the above date.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 327**

Relating to: various changes in the unemployment compensation law and related provisions, granting rule-making authority and making appropriations.

By Senators Plache and Zien; cosponsored by Representatives Vrakas and Vander Loop.

To committee on **Labor, Transportation and Financial Institutions**.

**Senate Bill 328**

Relating to: prohibitions against certain practices of insurers with respect to insurance agents.

By Senator Chvala; cosponsored by Representatives Coggs, L. Young, Morris–Tatum, Turner, Johnsrud, R. Young, Hanson, Ziegelbauer, Schneider, Underheim, Plouff and Musser.

To committee on **Insurance, Tourism and Rural Affairs**.

**Senate Bill 329**

Relating to: presumption concerning employment-connected disease for certain municipal fire fighters.

By Senators Wirch, Rude, Rosenzweig, Wineke, Chvala, Clausing, Burke, Roessler, C. Potter, Risser, Darling, Decker, George, Jauch, Panzer, Plache, Ellis, Moen, Shibilski, Breske and Farrow; cosponsored by Representatives Klusman, Walker, Musser, Krusick, Kreibich, Porter, Handrick, Schneider, Dobyms, R. Potter, Travis, Green, Ryba, Kreuser, Robson, Duff, Steinbrink, Johnsrud, Kedzie, Ladwig, L. Young, Sykora, Lorge, La Fave, Huebsch, Baumgart, J. Lehman, M. Lehman, Harsdorf, Otte, Boyle, Plale, Gunderson, Kaufert, Seratti, Gronemus, Hasenohrl, Underheim, Staskunas, Lazich, Goetsch, Rutkowski, Ott and Plouff.

To joint survey committee on **Retirement Systems**.

**Senate Bill 330**

Relating to: calculating the probate filing fee.

By Senators Huelsman, Roessler, Fitzgerald, Darling and Weeden; cosponsored by Representatives Green, Staskunas, Goetsch, R. Young, Nass, Murat, Rutkowski, Grothman and Huber.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

**Senate Bill 331**

Relating to: defining the practice of nursing to include acting under the direction of optometrists.

By Senators Moen, Rosenzweig, Breske, Burke, Roessler, Rude, Farrow and Welch; cosponsored by Representatives Underheim, Robson, Goetsch, La Fave, Notestein, Hanson, Green, Ainsworth, Bock and Plouff.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

**Senate Bill 332**

Relating to: requiring the department of health and family services to establish a health care coverage plan for employers in the private sector, creating a private employer health care coverage board and making an appropriation.

By Senators Moen, Plache, Wirch, Adelman, Roessler, Clausing, Jauch, Burke and Decker; cosponsored by Representatives Robson, Hebl, Baumgart, Hasenohrl, La Fave, J. Lehman, R. Young, Baldwin, Springer, Bock, Plouff, Travis, Meyer, Boyle and Musser.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

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**REPORT OF COMMITTEES**

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

BECHTHOLD, NED W., of Waukesha, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

BENNER, DAVID A., of Milwaukee, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

FRANKLIN, FREDERICK W., of Milwaukee, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

FRANKLIN, LAMARR, of Glendale, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

JUNGERS, ROMAN M., of Waupaca, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

OVERBY, ROBERTA P. (BOBBETTE), of Chetek, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

WHITELAW, ESSIE M., of Mequon, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

### **Assembly Bill 158**

Relating to: increasing the fees charged by a register of deeds for recording certain plats.

Concurrence.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

### **Assembly Bill 283**

Relating to: the regulation of the sale of merchandise below cost and providing a penalty.

Concurrence.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

### **Senate Bill 32**

Relating to: the 5-year vesting requirement to receive an annuity under the Wisconsin retirement system.

Passage.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

Gwendolynne Moore  
Chairperson

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

BALISTRERI, LYLE A., of New Berlin, as a member of the Prison Industries Board, to serve for the interim term ending May 1, 1998 and for a full term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

BARRETTE, DR. BRUCE, of Peshtigo, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

CROWLEY, JOHN WILLIAM "BILL", of Baraboo, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

FLAHERTY, BARBARA M., of DeForest, as a member of the Barbering and Cosmetology Examining Board, to serve for the interim term ending July 1, 1999.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

HOWARD, LINDA S., of Waukesha, as a member of the Board on Aging and Long-Term Care, to serve for the term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

HUELSMAN, JOANNE B., of Waukesha, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

HULWI, JOSEPH M., of Eleva, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

JAMES, COLLEEN S., of Pardeeville, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

KROPF, ANITA D., of Janesville, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

KUPPERMAN, GERARD L., of Oconomowoc, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

LAUER, LEON G., of Green Bay, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

MARTIN, MARVILLE L., of Milwaukee, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

NEVIASER, B. ANN, of Madison, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

RIFFLE, DR. CYNTHIA, of Mukwonago, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

SIZE, TIMOHY K., of Madison, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2004.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

STEIL, GEORGE K., of Janesville, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the interim term ending July 1, 1998 and for the full term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

STEIL, GEORGE K., of Janesville, as a member of the University of Wisconsin Hospital and Clinics Board, to serve for the interim term ending July 1, 1998 and for the full term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

THELEN, MICHAEL K., of Neenah, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

VAN GORDEN, HERON A. "PINK", of Neillsville, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

#### **Assembly Bill 141**

Relating to: the information gathered regarding veterans burials.

Concurrence.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

#### **Assembly Bill 179**

Relating to: authorizing technicians to remove donated human bone or certain tissue.

Concurrence.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

#### **Assembly Bill 279**

Relating to: authorizing the child abuse and neglect prevention board to form a nonstock, nonprofit corporation.

Concurrence.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

#### **Assembly Bill 385**

Relating to: permitting dentists to perform simple tooth extractions under the volunteer health care provider program.

Concurrence.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

#### **Assembly Bill 403**

Relating to: specifying that Prader–Willi syndrome is a developmental disability.

Concurrence.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Rosenzweig.

Noes, 0 – None.

Rodney Moen  
Chairperson

The committee on **Labor, Transportation and Financial Institutions** reports and recommends:

**Assembly Bill 35**

Relating to: the minimum number of persons required on train crews, granting rule-making authority and providing a penalty.

Concurrence.

Ayes, 7 – Senators Plache, C. Potter, Moore, Decker, Zien, Darling and Farrow.

Noes, 0 – None.

**Senate Bill 10**

Relating to: rules of conduct for a business receiving business assistance from the department of commerce and a business entering into an industrial development revenue bonding agreement with a municipality, the employment impact estimates required to be submitted by such a business and providing penalties.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Plache, C. Potter, Moore and Decker.

Noes, 3 – Senators Zien, Darling and Farrow.

Passage as amended.

Ayes, 4 – Senators Plache, C. Potter, Moore and Decker.

Noes, 3 – Senators Zien, Darling and Farrow.

Kimberly Plache  
Chairperson

**State of Wisconsin  
Joint Survey Committee on Retirement Systems**

The joint survey committee on Retirement Systems reports and recommends:

**Senate Bill 257**

Relating to: the determination of the annual earnings period under the Wisconsin retirement system for certain technical college district and cooperative educational service agency employees.

The **Joint Survey Committee on Retirement Systems** finds that **Senate Bill 257** reflects good public policy, and the Committee recommends its passage.

Richard Grobschmidt  
Senate Chairperson

Referred to committee on **Education**.

The committee on **Utility Regulation** reports and recommends:

**Senate Bill 147**

Relating to: regulating water or sewer service provided to occupants of mobile home parks, providing an exemption from emergency rule procedures, granting rule-making authority and providing a penalty.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators Moen, Clausung, Decker, Shibilski, Rude, Welch and Farrow.

Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 7 – Senators Moen, Clausung, Decker, Shibilski, Rude, Welch and Farrow.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Moen, Clausung, Decker, Shibilski, Rude and Farrow.

Noes, 1 – Senator Welch.

Rodney Moen  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

October 15, 1997

The Honorable, The Legislature:

This report presents statements of fund condition and operations (budgetary basis) of the State of Wisconsin for the fiscal year ended June 30, 1997. This satisfies the requirements of sec. 16.40(3), Wisconsin Statutes. Displayed are major sources of revenues and major categories of expenditures for the General Fund and other funds compared to the prior year.

The General Fund has an undesignated balance of \$327.1 million as of the end of the fiscal year. This is \$227.1 million higher than the \$100.0 million estimate that was projected in the final Chapter 20 fund condition statement.

General purpose revenue taxes were \$8.804 billion compared to \$8.209 billion in the prior year, an increase of \$595 million or 7.2 percent. General purpose revenue expenditures were \$9.026 billion compared to \$8.142 billion in the prior year, an increase of 883.9 million or 10.9 percent. This increase is primarily attributable to increased school aids and local assistance. In addition, a transfer of \$257.8 million was made to the Property Tax Relief Fund to provide state property tax relief in the 1997–1999 fiscal biennium. Together, the Property Tax Relief Fund transfer and the general purpose revenue expenditures total \$9.284 billion of general fund uses.

General purpose revenue spending increases in fiscal year 1997 were largely driven by increases in three areas: school aids increased by \$844.2 million, Corrections increased by \$123.3 million, and University of Wisconsin System increased by \$6.0 million. These increases accounted for all of the total increase in general purpose revenue spending. Spending in all other areas combined decreased slightly.

In fiscal year 1997, the State of Wisconsin continued to devote the major share of state tax collections to assistance to local school districts, municipalities and counties. Local assistance accounted for 62.1 percent of total general purpose revenue spending. Aid payments to individuals and organizations represented 16.4 percent of total general purpose revenues expenditures. The University of Wisconsin accounted for 9.5 percent of total general purpose revenue spending and state operations spending for all other state agencies accounted for 12.0 percent of the total.

The State of Wisconsin expects to publish its comprehensive annual financial report in December of 1997. The report will be prepared under generally accepted accounting principles.

Sincerely,

MARK D. BUGHER  
Secretary

Sincerely,

WILLIAM J. RAFTERY, CPA  
State Controller

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**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

October 10, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OSBORNE, PATRICK J., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 1998.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Agriculture and Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

October 10, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EARL, ANTHONY S., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 1998.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Agriculture and Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

October 8, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRANCEL, BEN, of Endeavor, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Agriculture and Environmental Resources.**

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 96-164**

Relating to financial qualifications of manufactured home dealer license applicants.

Submitted by Department of Administration.

Report received from Agency, October 16, 1997.

Referred to committee on **Economic Development, Housing and Government Operations**, October 22, 1997.

**Senate Clearinghouse Rule 96-165**

Relating to manufactured home dealer trade practices, facilities and records.

Submitted by Department of Administration.

Report received from Agency, October 16, 1997.

Referred to committee on **Economic Development, Housing and Government Operations**, October 22, 1997.

**Senate Clearinghouse Rule 96-166**

Relating to length, expiration date and fee for licenses issued to manufactured and mobile home dealers and salespersons and for registration plates issued to dealers.

Submitted by Department of Administration.

Report received from Agency, October 16, 1997.

Referred to committee on **Economic Development, Housing and Government Operations**, October 22, 1997.

**Senate Clearinghouse Rule 97-062**

Relating to the waiver of the motorcycle skills test and to required attendance of motorcycle rider courses and motorcycle instruction permit issuance.

Submitted by Department of Transportation.

Report received from Agency, October 21, 1997.

Referred to committee on **Labor, Transportation and Financial Institutions**, October 22, 1997.

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The committee on **Agriculture and Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 97-016**

Relating to falconry.

No action taken.

**Senate Clearinghouse Rule 97-021**

Relating to solid waste management.

No action taken.

**Senate Clearinghouse Rule 97-038**

Relating to food and dairy license fees.

No action taken.

**Senate Clearinghouse Rule 97-039**

Relating to timber cutting on lands adjacent to the Lower Wisconsin State Riverway.

No action taken.

**Senate Clearinghouse Rule 97-040**

Relating to regulating public use of state parks, forest and other public lands and waters under the department's jurisdiction.

No action taken.

**Senate Clearinghouse Rule 97-041**

Relating to the air permit program.

No action taken.

**Senate Clearinghouse Rule 97-058**

Relating to the harvest information program.

No action taken.

**Senate Clearinghouse Rule 97-088**

Relating to the 1997 migratory game bird season.

No action taken.

Alice Clausing  
Chairperson

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 97-080**

Relating to piers for new manufactured homes.

No action taken.

Gwendolynne Moore  
Chairperson

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

**Senate Clearinghouse Rule 97-030**

Relating to the placement of inmates in observation status for mental or medical health reasons.

No action taken.

**Senate Clearinghouse Rule 97-061**

Relating to certification as dietitians.

No action taken.

**Senate Clearinghouse Rule 97-065**

Relating to continuing education requirements and approval of continuing education programs for chiropractors.

No action taken.

**Senate Clearinghouse Rule 97-069**

Relating to security procedures at correctional institutions.

No action taken.

**Senate Clearinghouse Rule 97-076**

Relating to an increase in 1997-98 premium rates for the health insurance risk-sharing plan.

No action taken.

**Senate Clearinghouse Rule 97-091**

Relating to certification to perform lead abatement, other lead hazard reduction work and lead management activities, accreditation of training courses for individuals performing those activities and approval of training course managers, principal instructors and guest instructors.

No action taken.

**Senate Clearinghouse Rule 97-092**

Relating to registration and community notification of sex offenders.

No action taken.

**Senate Clearinghouse Rule 97-095**

Relating to the inmate secure work program.

No action taken.

Rodney Moen  
Chairperson

The committee on **Labor, Transportation and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 96-145**

Relating to withdrawal of funds invested in the public employe trust fund by a separate retirement system as permitted by s.40.03 (1) (n) and (2) (q), Stats.

No action taken.

**Senate Clearinghouse Rule 97-100**

Relating to the displacement of employes and the minimum wage.

No action taken.

Kimberly Plache  
Chairperson

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 61** offered by Senator C. Potter.

Senate amendment 1 to **Senate Bill 206** offered by Senator Moen.

Senate amendment 2 to **Senate Bill 206** offered by Senator Moen.

Senate substitute amendment 1 to **Senate Bill 218** offered by Senator Moen.

Senate substitute amendment 1 to **Senate Bill 264** offered by Senator Huelsman.

Senate amendment 1 to **Senate Bill 288** offered by Senator C. Potter.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1997 SENATE BILL 269**

Prepared by the Legislative Reference Bureau  
(Thursday, October 16, 1997)

1. Page 11, line 3: delete "it" and substitute "its".